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8	UNITED STATES DISTRICT COURT	
9	EASTERN DISTRICT OF CALIFORNIA	
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11	PATTI M. PAGE,	No. 1:20-cv-00917-NONE-BAM (PC)
12	Plaintiff,	ORDER ADOPTING FINDINGS AND
13	v.	RECOMMENDATIONS REGARDING DISMISSAL OF ACTION FOR FAILURE TO
14	CDCR MEDICAL,	EXHAUST ADMINISTRATIVE REMEDIES
15	Defendant.	(Doc. No. 17)
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17	Plaintiff Patti M. Page is a state prisoner proceeding pro se and in forma pauperis in this	
18	civil rights action pursuant to 42 U.S.C. § 1983. This matter was referred to a United States	
19	Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.	
20	On October 8, 2020, the assigned magistrate judge issued findings and recommendations	
21	recommending dismissal of this action, without prejudice, due to plaintiff's failure to exhaust	
22	administrative remedies prior to filing suit. (Doc. No. 17.) Those findings and recommendations	
23	were served on plaintiff and contained notice that any objections thereto were to be filed within	
24	fourteen (14) days after service. ( <i>Id.</i> at 3.) Plaintiff timely filed objections on October 19, 2020.	
25	(Doc. No. 18.)	
26	In her objections, plaintiff confirms that she did not exhaust all administrative remedies	
27	prior to filing suit, and she just received the last level of review of her inmate appeal regarding	
28	health care. Plaintiff has attached a copy of her Headquarters' Level Response, dated October 5,	
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## 2020 to her objections. (*Id.* at 3.) However, the fact that plaintiff has now exhausted her administrative remedies does not save her complaint. See Lira v. Herrera, 427 F.3d 1164, 1170 (9th Cir. 2005) ("[A] district court must dismiss a case without prejudice when there is no presuit exhaustion, even if there is exhaustion while suit is pending." (citation and internal quotation marks omitted)). In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this court has conducted a de novo review of the case. Having carefully reviewed the entire file, the court concludes that the findings and recommendations are supported by the record and by proper analysis. Accordingly, 1. The findings and recommendations issued on October 8, 2020, (Doc. No. 17), are adopted in full; 2. This action is dismissed, without prejudice, due to plaintiff's failure to exhaust administrative remedies prior to filing suit as required; and 3. The Clerk of the Court is directed to close this case. IT IS SO ORDERED. Dated: **October 23, 2020**

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